

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LIFESTYLE TEXAS MANAGEMENT
SERVICES, LLC, LIFESTYLE TEXAS
MEDICAL MANAGEMENT, LLC and
CHRISTOPHER SMITH,

Plaintiffs,

v.

AVENTUS HEALTH LLC, AVENTUS
OUTREACH, LLC, AVENTUS
ENTERPRISES, LLC, AVENTUS BILLING,
LLC, AVENTUS BIO LABS, INC., ABL
MEDICAL CARE, INC., MEDCI, LLC,
AVENTUS TECHNOLOGIES, LLC, NAGI
YOUSSEF, OLIVER DAWOUD and TAMER
GIRGIS.

Defendants.

Civil Action_____

**NOTICE OF REMOVAL
(Diversity Jurisdiction)**

TO: David J. Bradley, Clerk of Court
United States District Court for the Southern District of Texas, Houston Division
Bob Casey United States Courthouse
515 Rusk Avenue
Houston, Texas 77002

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and with a full reservation of any and all rights, claims, objections and defenses, defendants, Aventus Health, LLC, Aventus Outreach, LLC, Aventus Enterprise, LLC, Aventus Billing, LLC, Aventus Bio Labs, Inc., ABL Medical Care, Inc., Medci, LLC, Aventus Technologies, LLC, Nagi Youssef, Oliver Dawoud, and Tamer Girgis (collectively, “Defendants”) hereby remove this action from the 113th Judicial District Court of Harris County, Texas (the “State Court”), to the United States

District Court for the Southern District of Texas, Houston Division. As their reasons for removal, Defendants respectfully state as follows:

THE REMOVED CASE

1. On July 16, 2019, Plaintiffs Lifestyle Texas Management Services, LLC, Lifestyle Texas Medical Management, LLC, and Christopher Smith commenced a civil action in the 113th Judicial District Court of Harris County, Texas captioned *Lifestyle Texas Management Services, LLC, Lifestyle Texas Medical Management, LLC, and Christopher Smith v. Aventus Health, LLC, Aventus Outreach, LLC, Aventus Enterprise, LLC, Aventus Billing, LLC, Aventus Bio Labs, Inc., ABL Medical Care, Inc., Medci, LLC, Aventus Technologies, LLC, Nagi Youssef, Oliver Dawoud, and Tamer Girgis*, bearing Cause No. 201947998 (“State Court Action”), by way of the filing of an Original Petition, Request for Disclosures, Request for Production, Interrogatories, and Jury Demand (the “Initial Pleading”).

2. As required by 28 U.S.C. § 1446(a), true and complete copies of all process, pleadings, orders, and other papers and exhibits filed in the State Court Action, as of the date of this Notice of Removal, as well as, as additionally required by LR81, true and complete copies of the docket sheet, an index of matters being filed, and a list of all counsel of record, including addresses, telephone numbers, and parties represented, are attached hereto.

3. Defendants were served with the Initial Pleading on August 15, 2019. Because this Notice of Removal is being filed on September 11, 2019 — within thirty days of the Defendants’ first notice of the State Court Action — this Notice of Removal is timely. *See* 28 U.S.C. § 1446(b)(1).

4. Pursuant to 28 U.S.C. § 1446(b)(2)(A), the named defendants, all of whom are represented by Mandelbaum Salsburg, P.C., join in and consent to the removal of the State Court Action to this Court.

5. As the State Court Action was initiated in Harris County, Texas, this Court is the appropriate venue for the purpose of removal because the Southern District of Texas “embrac[es] the place where the [State Court Action] is pending.” 28 U.S.C. § 1441(a).

DIVERSITY JURISDICTION

6. As explained below, the State Court Action is removable to this Court pursuant to 28 U.S.C. § 1441 because: (1) this Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a), which provides, in relevant part, that this Court “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States;” and (2) the forum defendant rule does not preclude removal since none “of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought[.]” 28 U.S.C. § 1441(b)(2).

7. According to the Complaint, Plaintiff Lifestyle Texas Management Services is a limited liability corporation, organized and duly formed under the laws of the State of Texas, with its principal place of business located in Harris County.

8. According to the Complaint, Plaintiff Lifestyle Texas Medical Management is a limited liability corporation, organized and duly formed under the laws of the State of Texas, with its principal place of business located in Harris County.

9. According to the Complaint, Plaintiff Christopher Smith is an individual and a resident of the State of Florida.

10. Defendant Aventus Health LLC is a limited liability company, organized and existing under the laws of the State of Florida, where it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801. Defendants Youssef and Dawoud are sole members of Defendant Aventus Health LLC and have citizenship diverse to that of Plaintiffs.

11. Defendant Aventus Outreach LLC is a limited liability company, organized and existing under the laws of the State of Florida, where it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801. Defendants Youssef and Dawoud are sole members of Defendant Aventus Outreach LLC and have citizenship diverse to that of Plaintiffs.

12. Defendant Aventus Enterprise LLC is a limited liability company, organized and existing under the laws of the State of Florida, where it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801. Defendants Youssef and Dawoud are sole members of Aventus Enterprise LLC and have citizenship diverse to that of Plaintiffs.

13. Defendant Aventus Billing LLC is a limited liability company, organized and existing under the laws of the State of Florida, where it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801. Defendants Youssef and Dawoud are sole members of Defendant Aventus Billing LLC and have citizenship diverse to that of Plaintiffs.

14. Defendant Medci, LLC is a limited liability company, organized and existing under the laws of the State of Florida where, it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801. Defendants Youssef and Dawoud are sole members of Defendant Medci, LLC and have citizenship diverse to that of Plaintiffs.

15. Defendant Aventus Technologies, LLC is a limited liability company, organized and existing under the laws of the State of Florida, where it maintains its principal place of business

at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801. Defendants Youssef and Dawoud are sole members of Defendant Aventus Technologies LLC and have citizenship diverse to that of Plaintiffs.

16. Defendant Aventus Bio Labs Inc. is a corporation, organized and existing under the laws of the State of Florida, where it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801.

17. Defendant ABL Medical Care, Inc., is a corporation, organized and existing under the laws of the State of Florida, where it maintains its principal place of business at 200 South Orange Avenue, Suite 2300, Orlando, FL 32801.

18. Defendant Nagi Youssef is an individual and a resident of the State of Florida residing at 3708 Farm Bell Place Lake Mary FL 32746.

19. Defendant Oliver Dawoud is an individual and a resident of the State of Florida who resides at 7329 Bella Foresta Place Sanford FL 32771.

20. Defendant Tamer Girgis is an individual and a resident of the Commonwealth of Virginia who resides at 24920 Castleton Drive Chantilly, VA 20152.

21. According to paragraph 44 of the Initial Pleading, Plaintiffs allege that they have sustained damages between \$1,000,000 and \$5,000,000 and further allege that they “reserve their right to amend or supplement the maximum amount of damages being sought against Defendants.”

22. As established above, this matter is a civil action between citizens of different States, and the amount in controversy requirement is satisfied. Accordingly, this Court possesses original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a). Moreover, since none of the “parties in interest properly joined and served as defendants” is a citizen of Texas, removal is not foreclosed by 28 U.S.C. §1441(b)(2). Therefore, Defendants may remove the State

Court Action to this Court, the federal district court for the district and division embracing Harris County, Texas – the place where the State Court Action is pending – pursuant to 28 U.S.C. § 1441(a).

23. Pursuant to 28 U.S.C. § 1446(d), Defendants will provide the Plaintiff with written notice of this Notice of Removal promptly after the filing of this Notice, and a copy of this Notice of Removal, without exhibits, will be filed concurrently with the State Court.

WHEREFORE, Defendants hereby remove the State Court Action from the 113th Judicial District Court of Harris County, Texas to this Court, and respectfully request that this Court assume full jurisdiction over this case as provided by applicable law.

Respectfully Submitted,

RIVAS GOLDSTEIN, LLP
Attorneys for Defendants

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Dated: September 11, 2019

CERTIFICATE OF SERVICE

I, John J. Rivas, hereby certify that on September 11, 2019, I caused a copy of the foregoing Notice of Removal to be served upon the counsel of record for Lifestyle Texas Management Services, LLC, Lifestyle Texas Medical Management, LLC and Christopher Smith, named below, by CM/ECF and electronic mail:

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By: /s/ John J. Rivas

John J. Rivas

Dated: September 11, 2019